

# SENATE BILL 664

J2, M3

0lr2296

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By: **Senators Klausmeier, Dyson, and Harris**

Introduced and read first time: February 5, 2010

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Dental Radiation Machines – Inspections**

3 FOR the purpose of requiring a State inspector to provide a dental office or dental  
4 facility a certain written notice under certain circumstances; prohibiting the  
5 Department of the Environment from imposing a fine on a dental office or  
6 dental facility for a certain violation under certain circumstances; and generally  
7 relating to inspections of dental radiation machines.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 8–301(c)  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Environment**

16 8–301.

17 (c) (1) For a dental office or dental facility operated by a licensed dentist,  
18 a partnership of licensed dentists, a professional association of licensed dentists, or a  
19 public health dental facility, the Secretary may adopt regulations that establish a fee

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 to offset the costs of monitoring and regulating sources of radiation within that dental  
2 facility.

3 (2) Except as provided in paragraphs (3) and (4) of this subsection, the  
4 fees established under this subsection may not exceed:

5 (i) For the first 2 years beginning July 1, 2002, \$60 per dental  
6 radiation machine per year;

7 (ii) From June 30, 2004, through June 30, 2006, inclusive, \$70  
8 per dental radiation machine per year; and

9 (iii) 1. After June 30, 2006, through at least June 30, 2010,  
10 \$80 per dental radiation machine per year; and

11 2. After June 30, 2010, the fee per dental radiation  
12 machine shall continue to be \$80 per year unless altered by the General Assembly.

13 (3) The Secretary shall reduce fees proportionately to reflect the  
14 balance of any unspent or unencumbered fees collected under this subsection in the  
15 previous fiscal year.

16 (4) If a dental radiation machine is not inspected within any 3-year  
17 period and all annual fees were paid during that 3-year period, an additional annual  
18 inspection fee is not required to be paid until a dental radiation machine inspection is  
19 performed by a State inspector.

20 (5) (i) Except as provided in subparagraph (ii) of this paragraph,  
21 inspection of the dental radiation machines at each dental office or facility may not be  
22 performed more than once every 3 years.

23 (ii) Inspection of the dental radiation machines at a dental office  
24 or facility may be performed more than once every 3 years if the Department has  
25 grounds to believe that:

26 1. A violation of this title or any rule, regulation, order,  
27 registration, certificate, or license adopted or issued under this title may exist; or

28 2. A hazard associated with the use of radiation may  
29 exist.

30 (6) (I) **IF, BASED ON AN INSPECTION OF A DENTAL RADIATION**  
31 **MACHINE AT A DENTAL OFFICE OR FACILITY, THE STATE INSPECTOR**  
32 **DETERMINES THAT THERE IS A VIOLATION OF THIS TITLE AND THE VIOLATION**  
33 **DOES NOT PRESENT A SERIOUS AND ~~IMMEDIATE~~ PROBABLE DANGER TO THE**  
34 **PATIENTS OR EMPLOYEES OF THE DENTAL OFFICE OR FACILITY, THE STATE**

1 INSPECTOR SHALL PROVIDE THE DENTAL OFFICE OR FACILITY A WRITTEN  
2 NOTICE:

3 1. SETTING FORTH THE NATURE OF THE VIOLATION  
4 AND THE REQUIRED CORRECTIVE ACTION;

5 2. INFORMING THE DENTAL OFFICE OR FACILITY  
6 THAT THE DENTAL OFFICE OR FACILITY HAS 20 WORKING DAYS TO COMPLY  
7 WITH THE CORRECTIVE ACTION; AND

8 3. INFORMING THE DENTAL OFFICE OR FACILITY OF  
9 THE REQUIRED PROCEDURE TO INFORM THE DEPARTMENT THAT THE  
10 CORRECTIVE ACTION HAS BEEN COMPLETED.

11 (ii) IF THE CORRECTIVE ACTION IS COMPLETED WITHIN 20  
12 WORKING DAYS IN ACCORDANCE WITH SUBPARAGRAPH (i) OF THIS PARAGRAPH,  
13 THE DEPARTMENT MAY NOT IMPOSE A FINE ON A DENTAL OFFICE OR DENTAL  
14 FACILITY FOR A VIOLATION OF THIS TITLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 ~~October~~ June 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.